

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05CV231-MU-01

JOHNNY A. FOX,	)	
	)	
Petitioner,	)	
	)	
v.	)	<u>O R D E R</u>
	)	
DOUG MITCHELL, supt.,	)	
	)	
Respondent.	)	
_____	)	

**THIS MATTER** is before the Court upon its own motion

Petitioner has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Such a petition requires a filing fee of \$5.00. Petitioner has neither paid the filing fee nor filed an application to proceed in forma pauperis.

**IT IS, THEREFORE, ORDERED that** within thirty days of the filing of this Order, Petitioner must either pay the filing fee or submit a Motion to Proceed In Forma Pauperis. Petitioner is warned that failure to comply with this Order may result in the dismissal of his habeas petition.

**Signed: June 9, 2005**

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

